

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Dr. Lisa Buon

19 CV 6760

Write the full name of each plaintiff.

CV  
(Include case number if one has been assigned)

-against-

Lisamarie Spindler, Roberto Padilla, Ed Forgit,  
Linda Smith, Stacy Moran, Carole Mineo, Gregory  
Kern, The Newburgh Enlarged City School District  
(NECSD), The NECSD Board of Education, The  
Newburgh Teachers Association

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. The names listed  
above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

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**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Lisa</u>	<u>M.</u>	<u>Buon</u>
First Name	Middle Initial	Last Name
<u>155 Neelytown Road</u>		
Street Address		
<u>Montgomery</u>	<u>New York</u>	<u>12549</u>
County, City	State	Zip Code
<u>(845)541-9097</u>	<u>lisa.buon@aol.com</u>	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	<u>Dr. Lisamarie Spindler</u>		
	Name		
	<u>124 Grand Street</u>		
	Address where defendant may be served		
	<u>Newburgh</u>	<u>N.Y.</u>	<u>12550</u>
	County, City	State	Zip Code
Defendant 2:	<u>Dr. Roberto Padilla</u>		
	Name		
	<u>124 Grand Street</u>		
	Address where defendant may be served		
	<u>Newburgh</u>	<u>N.Y.</u>	<u>12550</u>
	County, City	State	Zip Code

**Defendant 4:**

Name: Ed Forgit

Address where defendant may be served: 124 Grand Street, Newburgh, New York 12550

**Defendant 5:**

Name: Linda Smith

Address where defendant may be served: 124 Grand Street, Newburgh, New York 12550

**Defendant 6:**

Name: Stacy Moran

Address where defendant may be served: 124 Grand Street, Newburgh, New York 12550

**Defendant 7:**

Name: Carole Mineo

Address where defendant may be served: 124 Grand Street, Newburgh, New York 12550

**Defendant 8:**

Name: Gregory Kern

Address where defendant may be served: 124 Grand Street, Newburgh, New York 12550

**Defendant 9:**

Name: The Newburgh Teachers Association

Address where defendant may be served: 124 Grand Street, Newburgh, New York 12550

**Defendant 10:**

Name: Newburgh Enlarged City School District Board of Education

Address where defendant may be served: 124 Grand Street, Newburgh, New York 12550

Defendant 3:

The Newburgh Enlarged City School District

Name

124 Grand Street

Address where defendant may be served

NewburghN.Y.12550

County, City

State

Zip Code

**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:  
**South Middle School**

Name

33-63 Monument Street

Address

NewburghN.Y.12550

County, City

State

Zip Code

**III. CAUSE OF ACTION****A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☒ race: Disparate and discriminatory Treatment
- ☒ color: Disparate and discriminatory Treatment
- ☐ religion: \_\_\_\_\_
- ☒ sex: Disparate and discriminatory Treatment
- ☒ national origin: Disparate and discriminatory Treatment

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: **Black**

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: \_\_\_\_\_

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

## **B. Other Claims**

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

\_\_\_\_\_

#### IV. STATEMENT OF CLAIM

##### A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☒ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): Did not hire me for the RISE Program or a summer school principal even though I had

the most seniority and experience. In addition the district is attempting to remove me as a middle school principal.

##### B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

See attachment

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As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

**FACTS:**

**State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) because of your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.**

Dr. Lisa Buon vs. Dr. Spindler, Dr. Padilla, Mr. Forgit, Ms. Smith, Ms. Moran, Ms. Mineo, Mr. Kern, The Newburgh Enlarged City School District (NECSD), The NECSD Board of Education (BOE), The Newburgh Teacher's Association (NTA).

Re: Disparate and Discriminatory Treatment

1. **Frequent disciplinary meetings based on false accusations that resulted in one letter being placed in my file.** In my rebuttal, one can see that none of the items in that letter had any foundation in truth.
2. **One of the false accusations cited for my removal by Dr. Padilla, superintendent, was my failure to communicate with Dr. Spindler. When in fact, Dr. Spindler deliberately failed to communicate with me on several instances in order to paint me in a bad light.** When Dr. Spindler visits schools for walk-throughs, it is common practice for principals to accompany her. In Dr. Spindler's first round of walk-throughs, principals were included or asked if they would like to accompany her. On November 2, 2019, Dr. Spindler waved to me from the front counter of the main office and did not invite me to accompany her. After being excluded, I received an email requesting a discussion via phone that afternoon. During this discussion, she listed 19 items she found wrong, and the assistant principals and I were asked how are we going to fix the "glaring" issues she found. The issues were frivolous such as the fact that she saw boxes in the hallways. If Dr. Spindler had included me on the walk-through, I would have shared with her that in the boxes were seven Promethean boards being installed by the district directly after school, and Buildings and Grounds had instructed the custodians to move each Promethean board into the hallway next to the classroom for installation.  
  
In another instance, Dr. Spindler came to my office 5 minutes before a scheduled meeting with senior staff and said to me, "This meeting was supposed to be collaboratively developed between us." When I walked into the meeting, it was evaluative in nature. At the meeting, we discovered and discussed that Dr. Spindler had not done the mandated prep work with me for this meeting that she had done with the other principals, including collaboratively creating the meeting agenda with me.
3. **Another false accusation cited for my removal by Dr. Padilla, superintendent, is the allegation that I did not consistently attend Principal/Assistant Principal meetings and professional development sessions.** I attended all mandatory meetings except three Principal/AP meetings. I was granted permission by Ed Forgit, Deputy Superintendent to miss the Principal/AP meeting that conflicted with writing the mandated NYS and district School Comprehensive Education Plan.

4. **Being berated and called names in meetings by Dr. Padilla.** Ed Forgit witnessed this. I was told I was acting like a “victim” and that I was being disrespectful for taking notes.
5. **Failure to provide requested support.** For the past 2 years, I have sought administrator training on scheduling in Infinite Campus. Several members of senior staff ignored my request for two years. As a result, I have not been trained, yet I am still being held accountable for schedules in this non-user-friendly system.
6. **Violation of contract, BOE Policy and due process.** A meeting was called and held to discuss me. It included the NTA President, 25 South Middle School teachers, Dr. Padilla, Ed Forgit and Carole Mineo, School Board President. Before the meeting started, the NTA attorney addressed the room of teachers stating the reason for the meeting was to gather evidence against Ms. Buon because **he**, meaning Dr. Padilla, does not just want her out of South—he wants her out of the district. Approximately five teachers protested that they were not told that this was the nature of the meeting, and one of the teachers walked out in protest. To hold such a meeting circumvents and undermines the grievance process arrived at through collective bargaining, undermines my authority as the building principal and creates a hostile work environment.
7. **Denial of the RISE supervisor position.** I was not hired although I am the most qualified candidate based on experience and reputation in the program. The position was instead given to someone new to the district. Subsequently, at least five teachers quit the RISE program, stating that under the new leadership it became too dangerous to work. Teachers in the RISE Program will attest that when I supervised the program I ensured a safe and orderly teaching environment.
8. **Denial of the Extended School Year Program (ESYP) Administrator position.** In 2015, the job of supervising summer school was relegated to NSAA and I was hired to set up and run all of the programs. Mary Ellen Leimer, Assistant Superintendent assisted me and was in charge of staff hiring. Dr. Noriega was dismissed and failed to leave any records that would be useful on the history of the program management. Due to the lack of prior records, I created 80% of the protocols, procedures, schedules, etc. and submitted at the end of the summer to Dr. Padilla all work products along with a report on best practices for future use in running summer school which central office used for several years. In 2019, with a new NSAA Contract, this position again became available and I am the only NSAA member with the experience of working in this capacity. Four administrators were hired for these two positions. Two of the hires have less than four years in the district and minimal supervisory experience in running summer school.
9. **Irrevocable damage to my good name and professional reputation.** My removal became public fodder for discussions on social media and in the community.
10. **Undue stress that contributed to my marital breakup.** Nasty phone calls and emails, bogus disciplinary invites and meetings, negative evaluations based on falsehoods, coming



home to letters taped to my front door are a regular occurrence. These actions are based on Dr. Spindler's attempts to sabotage my reputation in the district.

The Newburgh Teacher Association's unrelenting campaign to remove me as principal based on false accusations.

As a result, my stress levels, mood and interactions with others have altered my health, personal well-being and family life.

11. **Removal from my position as principal of South Middle school by the NECSD BOE.** This removal was based on arbitrary and capricious reasons and was carried out despite clear data that showed my many successes as principal of South Middle School.
12. **Reduction of pay/loss of pay upon being removed as principal of South Middle School.** My salary was reduced to \$145,593 from \$154,797 in violation of NSAA Contract.
13. **Violation of the NSAA Annual Professional Performance Review Memorandum of Agreement and my rights by Dr. Spindler.** Dr. Spindler conducted a formal observation that was filled with falsehoods and low ratings that violated the NSAA Contract. This formal observation was grieved at stage one and removed. However, it is now again being used in my yearly evaluation.
14. **Undermining my authority and reputation by assigning me a mentor.** Dr. Spindler and Dr. insisted that I needed a mentor. Dr. Spindler brought the mentor to SMS and toured the building with us for a meet and greet. The mentor never returned and no explanation or replacement mentor was given to me, which left me very confused and stressed.
15. **Dr. Spindler disregarding my curriculum recommendations but allowing the principal of Heritage Middle School, white female to dictate curriculum recommendations.** For example, I was told that South Middle School would be adopting the Go Math Program in 6<sup>th</sup> grade despite my protest and evidence from the SMS staff that this product would not meet our needs. When I raised concerns, they were dismissed and I was directed to send all grade six math teachers to a Go Math Training. When Lynette Brunger, White female Principal of Heritage returned from her long-term leave on top of being missing from work she let central office know Heritage wanted a different program. Only then, was Go Math was no longer mandatory and training cancelled.
16. **Being treated differently from other administrators, who are white, by Dr. Spindler, Dr. Padilla and others at Central Office.** For example and brought up at a disciplinary meeting, Dr. Padilla allowed Rob Glowacki to take days to attend his brother's wedding without proof of a wedding invitation but only allowed me days off to attend a wedding only after I provided the proof of a wedding invitation. In another instance, Lynette Brunger, who is White and the only other Middle School 6-8 administrator was absent for work for days at a time, without informing Central Office and not following a strict protocol for reporting one's absence was not removed from her position. However, the false reason given for my removal is that I did not show up for work by student and teacher reporting times.

## V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? April 4, 2019

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? April 23, 2019

When did you receive the Notice? April 27, 2019

☐ No

## VI. RELIEF

The relief I want the court to order is (check only those that apply):

☒ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

I am seeking suitable compensation for the damage to my reputation in the

Newburgh Enlarged City School District Community and for the emotional  
distress, pain and suffering they have caused me.

**VII. PLAINTIFF'S CERTIFICATION**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

June 28, 2019

Dated

Lisa

M.

Plaintiff's Signature

Buon

First Name

Middle Initial

Last Name

155 Neelytown Road

Street Address

Montgomery

N.Y.

12549

County, City

State

Zip Code

(845) 541-9097

lisa.buon@aol.com

Telephone Number

Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div style="text-align: right;"> <b>520-2019-02233</b> </div> </div>	
<b>New York State Division Of Human Rights</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>Ms. Lisa Buon</b>		Home Phone (Incl. Area Code) <b>(845) 541-9097</b>	
Street Address <b>155 Neelytown Road, Montgomery, NY 12549</b>		Date of Birth <b>10/08/1967</b>	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>NEWBURGH ENLARGED CITY SCHOOL DIST.</b>		No. Employees, Members <b>1,500-2,000</b>	
Street Address <b>124 Grand Street, Newburgh, NY 12550</b>		Phone No. (Include Area Code) <b>(845) 563-3400</b>	
Name 		No. Employees, Members 	
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON (Check appropriate box(es).)			
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input checked="" type="checkbox"/> RACE</div> <div style="width: 50%;"><input checked="" type="checkbox"/> COLOR</div> <div style="width: 50%;"><input type="checkbox"/> SEX</div> <div style="width: 50%;"><input type="checkbox"/> RELIGION</div> <div style="width: 50%;"><input checked="" type="checkbox"/> NATIONAL ORIGIN</div> <div style="width: 50%;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="width: 50%;"><input type="checkbox"/> AGE</div> <div style="width: 50%;"><input type="checkbox"/> DISABILITY</div> <div style="width: 50%;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="width: 50%;"><input type="checkbox"/> OTHER (Specify)</div> </div>			
DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <b>August 2018</b>		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<ol style="list-style-type: none"> <li>1. Frequent disciplinary meetings for minor matters based on mistakes teachers made</li> <li>2. Offensive, nasty emails.</li> <li>3. Giving directives to me that were not given to other principals</li> <li>4. Holding an academic cabinet mtg. with myself and all senior central office staff but not informing me of the standard protocol of the mtg. as had been done with all other principals.</li> <li>5. Deliberately withholding communication about district initiatives from me that have been shared with other principals (See attachment)</li> </ol>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Date <b>4-4-19</b>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Charging Party Signature <b>Lisa Buon</b>			

6. NECSD did not hire me for the after-school RISE Program and in retaliation hired someone less qualified and with less seniority in the position and who is brand new to the district.
7. In retaliation - frequent disciplinary meetings after-school after my work day has ended.

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Lisa Buon**  
**155 Neelytown Road**  
**Montgomery, NY 12549**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**

☐

On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2019-02233**

**Melita R. Fogle,**  
**Investigator**

**(212) 336-3771**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

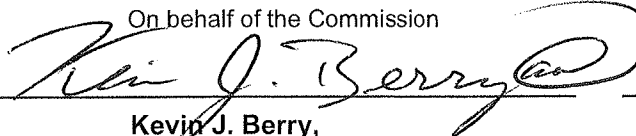
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



**Kevin J. Berry,**  
**District Director**

4/23/19

(Date Mailed)

Enclosures(s)

cc: **Dr. Roberto Padilla, Superintendent**  
**Newburgh Enlarged City School District**  
**124 Grand Street**  
**Newburgh, NY 12550**